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Application Number	10/000,262
Filing Date	November 28, 2001
First Named Inventor	Bezek
Art Unit	1761
Examiner Name	Becker, Drew E.
Attorney Docket Number	CFLAY.00075

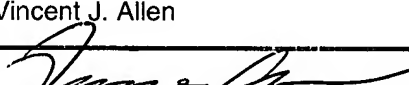
Total Number of Pages in This Submission 20

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Remarks
Response to Office Action Mailed on May 25, 2004

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Vincent J. Allen
Signature	
Date	August 25, 2004

CERTIFICATE OF TRANSMISSION/MAILING

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Typed or printed name	Rhonda K. McGee
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Signature		Date	August 25, 2004
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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Edward Anthony Bezek,	§	GROUP ART UNIT: 1761
Patrick Joseph Bierschenk,	§	
and John Joseph Michels	§	
	§	
FILED: November 28, 2001	§	EXAMINER: Becker, Drew E.
	§	
INVENTION: Consumables Container With	§	
Multi-Functional Cap	§	
	§	
SERIAL NO.: 10/000,262	§	ATTY FILE: CFLAY.00075

RESPONSE TO OFFICE ACTION MAILED ON MAY 25, 2004

This paper is filed responsive to a non-final Office Action mailed on May 25, 2004 in the above-referenced application. Applicants hereby reply as follows.

No fees are believed to be due at this time. However, the Commissioner is hereby authorized to charge any payments that may be due to Deposit Account No. 50-0392.

REMARKS

CLAIM REJECTIONS--35 U.S.C. § 112

Examiner rejected claim 29 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, Examiner argues that it "is not clear what hand size would be considered "large" and "small."

It is well established that an applicant is afforded a great amount of latitude in formulating his claims in the manner he deems to most adequately define his invention. *In re Duva*, 387 F.2d 402, 156 USPQ 90 (CCPA 1968). An applicant may use either conventional terms in this regard, or he may be his own lexicographer. *In re Castaing*, 429 F.2d 461, 166 USPQ 550 (CCPA 1970). An applicant may leave room open for experimental error by using